



# How to Finish Your Minnesota Divorce without Children: *when you and your spouse have a Joint Petition*

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## Need one-on-one help?

Some courts have designated staff or volunteer attorney programs to help explain forms and court procedures. To see if your Minnesota court has this service, go to [www.mncourts.gov/selfhelp](http://www.mncourts.gov/selfhelp). In addition, you may call the MN Courts Self Help Center with questions about forms Monday-Friday 8:30-3:00 at (651) 259-3888.

## Follow these Steps:

### 1. Check the forms I-CAN! printed for you.

You should have these forms:

- *Joint Petition, Agreement, and Judgment and Decree for Marriage Dissolution without Children*
- *Form 11.1 Confidential Information Form*
- *Certificate of Dissolution*

You may also have:

- *Notice to County Support and Collections* (this prints only if you or your spouse receive public assistance from the State of Minnesota) **NOTE:** If someone is receiving public assistance, the public authority must “sign off” on your *Joint Petition*. There is a place for this signature on approximately page 17 of the *Joint Petition*. Usually the County Attorney signs off. You can ask the County Support and Collections office how to get the required signature. Do this before you file the *Joint Petition* with the court (**Step 5**).
- *Felon Name Change* forms (prints only if you or your spouse is a felon and is asking for a legal name change.)

### 2. Make sure everything on your forms is correct.

**Carefully** read the forms. If there are any mistakes, or you and your spouse want to make changes, go back to I-CAN! and make your changes and reprint the forms. If the change is small, you may use white-out correction fluid and print neatly to correct the information on the forms instead of reprinting.

**IMPORTANT UPDATE:** Please read through your court forms and look for any partial account numbers. These could be financial account numbers, retirement, or life insurance account numbers. If you have partial account numbers, put these on *Form 11.1 Confidential Information Form* below the social security numbers. For example, write the name of the bank/financial Institution, the last 4 digits of the account number, and the name of the person who owns the account on *Form 11.1 Confidential Information Form*. Then completely black out all partial account numbers on your other court documents. The partial numbers should be visible on *Form 11.1 Confidential Information Form* only. To black out the numbers, use a marker, dark pen, or “white out”. We are working on updating the I-CAN! program to eliminate partial account numbers from the documents, but until then, please black them out.



### ***Checklist for the Joint Petition:***

- ☐ Did you read your *Joint Petition* carefully and make sure that all information is correct?
- ☐ Did you ask a lawyer for help with anything you don't understand?
- ☐ Have you listed **ALL** property and debts that you and your spouse own and owe together and separately?
- ☐ Did you get the signature of the public authority if you or your spouse receives public assistance? (See #1 above.)
- ☐ Did you **attach documents** required with the *Joint Petition*? (If needed in your case)
  - ✓ copy of current OFP or Harassment order involving the spouses
  - ✓ **certified copy** of "Recognition of Parentage" form for non-joint child born during the marriage
  - ✓ **certified copy** of "Husband's Non-paternity Statement" for non-joint child born during marriage
  - ✓ **certified copy of a Paternity Court order for non-joint child born during the marriage**
  - ✓ copy of income tax Schedule C (if either spouse is self-employed)
  - ✓ **original** Affidavit of Service of Felon Name Change Notice (if either spouse was convicted of a felony and now want to change their name in the divorce process.) At the top of this Affidavit write "Exhibit A."

### **3. Sign the forms.**

On approximately page 16, the *Joint Petition* has a section called "Verification and Acknowledgments" followed by lines for Signature of Husband and Wife. Read the "Verification" section before signing. You will both need to sign the Joint Petition in front of a notary or court administrator, and show picture ID.

One spouse should sign the *Form 11.1 Confidential Information Form*, and the *Notice to County Support and Collections* (if needed.)

### **4. Make 2 copies of each form and any attachments - One for husband and one for wife.**

### **5. File the original forms with the court and pay the filing fee.**

You must file your **original** divorce forms (not photocopies) at the courthouse in the Minnesota County where you or your spouse lives. The clerk will take your forms, collect a filing fee, and assign a number to your case. Filing fees vary by county and are listed at [www.mncourts.gov/fees](http://www.mncourts.gov/fees). You can file by mail or in person. It is best to take the papers to the courthouse to file them, in case there are any problems or other requirements.

**Low Income?** The court clerk cannot accept your papers unless you pay the filing fee **OR** you have an order from a judge waiving the fee. If you can't afford the filing fee, you can fill out forms for a *Fee Waiver* (also called *In Forma Pauperis*). A judge must review the forms and decide if you qualify for a free filing. You can use I-CAN! to fill out the *Fee Waiver* forms. Forms are also available from court administration and at [www.mncourts.gov/forms](http://www.mncourts.gov/forms). Your court administrator can tell you how to present your fee waiver request to the judge. If the judge denies your request, you must pay the filing fee.

With your filing fee or an *Order* waiving the filing fee, go to the Courthouse and file:

- Original *Joint Petition*
- Original *Form 11.1 Confidential Information Form*

You may also need to file:

- Original *Notice to Support and Collections and Affidavit of Mailing or Delivery* (needed only if either spouse receives public assistance from the State of Minnesota.)
- Original *Sealed Financial Source Documents (Form 11.2)* (needed only if you attached Financial Records to the *Joint Petition*, such as Income Tax Returns.) Form 11.2 is available at [www.mncourts.gov/forms](http://www.mncourts.gov/forms) under the category "Confidential Information".
- Original *Certificate of Dissolution* (\*this is optional)

\*The *Certificate of Dissolution* is a form that is signed by the Judge that can be used to prove that you are divorced and can also be used to provide evidence of a legal name change. Some people do not like providing an entire copy of their divorce decree as proof of a name change because it contains financial information that is not necessary to prove evidence of a divorce or to change a name.

## 6. Wait to hear from the court.

Court hearings are generally not required for divorces without children that are settled by agreement. Once you file all of the required forms a judge will review your *Joint Petition*. If the judge has questions or concerns, you will be contacted.

You are not divorced until the judge signs your divorce decree **AND** the court administrator "enters" the decree. The court will send you a letter when your divorce is final.

## 7. Get a copy of your divorce decree.

When you know that your divorce is final, you may wish to get a "**certified**" copy of your divorce decree as well as a "**certified**" copy of the *Certificate of Dissolution* from the court's records department. There is a fee for the copies. Keep them safe with your other important personal papers.

## 8. Using the *Certificate of Dissolution* form.

Once your divorce is final, you can get certified copies of the *Certificate of Dissolution* form if you need to prove you are divorced or changed your name. You can also use a certified copy of the *Joint Petition* to prove you are divorced or changed your name. The *Certificate of Dissolution* has far fewer pages and much less personal information, which you may not want to share with others.

## 9. Other things you might have to do to after your divorce is final:

- **Name change:** If you changed your name in the divorce, you must change your name on your driver's license or I.D. card and Social Security card. You can get a certified copy of the *Certificate of Dissolution* to use as proof of your name change.
- **Pension or Benefits:** If the court awarded pension or medical benefits to you or your spouse, you may need to send a copy of the *Joint Petition and Decree* to the company or provider.
- **Real Estate:** If you or your spouse own real estate, you must file a certified copy of the *Joint Petition and Decree* (or a shorter document called a *Summary Real Estate Disposition Judgment*) in the Office of the County Recorder or Registrar of Titles (for torrens property) in the county where the property is located. The *Summary Real Estate* form is available at [www.commerce.state.mn.us](http://www.commerce.state.mn.us) under the topic "Uniform Conveyancing Blanks." Look for Divorce Forms, Form 80.1.2
- **Public Assistance:** If you or your spouse receive or have applied for public assistance, give a copy of the *Joint Petition and Decree* to the County Support and Collections office. Include the case worker's name on a cover letter, and state in the letter that the papers are being served on the County Support and Collections because one of the parties in the divorce receives public assistance.
- **Income withholding for Support:** If your decree orders you or your spouse to pay spousal maintenance through income-withholding, contact your County Support and Collections office to start getting payments.